

AGENDA

BOARD OF MAYOR AND ALDERMEN

October 4, 2005

7:30 PM

**Aldermanic Chambers
City Hall (3rd Floor)**

1. Mayor Baines calls the meeting to order.
2. The Clerk calls the roll.
3. Update of damages to Central High School and contract compliance by Public Works Department and Risk Management.

CONSENT AGENDA

4. Mayor Baines advises if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Ratify and Confirm Poll Conducted

- A. On September 13, 2005 approving changing the date and time of the public hearing on the Storm Water Ordinance from Monday, September 26, 2005 at 5:30 PM to Tuesday, October 4, 2005 at 5:30 PM.

Approve under supervision of the Department of Highways

- B. PSNH Pole Petition #11-1089 located on Hillcrest Avenue;
PSNH Pole Petition #11-1090 located on Eastern Avenue; and
PSNH Pole Petition #11-1091 located on Bodwell Road.

Informational – to be Received and Filed

- C. Communication from Leo R. Bernier, City Clerk, advising of the receipt of an FY2006 Moose Plate Conservation Grant in the amount of \$8,177 from the NH State Library to restore the earliest records of the Town and City of Manchester, 1836-1847.
- D. Copy of a communication from the NH Department of Environmental Services to Ms. Jane Beaulieu advising her of her appointment to a 3-year term on the Piscataquog River Local Advisory Committee.

Accept Funds and Remand for the Purpose Intended

- E. Communication from Lisa Sorenson, Administrative Services Manager, advising of the receipt of funds in the amount of \$1,553.00 for the Manchester Art Fund.

REFERRALS TO COMMITTEES

COMMITTEE ON FINANCE

- F. Resolutions:

“Amending the FY2004 Community Improvement Program, authorizing and appropriating funds in the amount of Two Hundred Fifty Eight Thousand Five Hundred Eighty Seven Dollars (\$258,587) for the 2004 CIP 210704 Public Health Preparedness Program.”

“Amending the FY2004 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Five Hundred Thousand Dollars (\$500,000) for FY2004 CIP 612504 Old Wellington Road Apartments Project.”

“Amending the FY2005 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000) for FY2005 CIP 510005 Parks Facilities Improvement Program.”

“Authorizing the Finance Officer to effect a transfer of Ten Thousand Dollars (\$10,000) for the 2005 CIP 510005 Parks Facilities Improvement Program.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Seven Thousand Two Hundred Seven Dollars Sixty Seven Cents (\$27,207.67) for FY2006 CIP 411606 2005 Homeland Security Grant Program.”

REPORTS OF COMMITTEES

COMMITTEE ON ACCOUNTS, ENROLLMENT AND REVENUE ADMINISTRATION

- G.** Advising that it has ratified and confirmed a poll conducted July 29, 2005 approving attendance of City Clerk staff at the New Hampshire City & Town Clerk’s Annual Conference held in North Conway, NH from September 7-9, 2005.
(Unanimous vote)
- H.** Advising that it has accepted the following Board of Assessor’s report:
- a) update of tax base;
 - b) status of overlay;
 - c) valuation summary;
 - d) status of tax appeals; and
 - e) status of exemptions and payment in lieu of taxes.
- and is forwarding same to the Board for informational purposes.
(Unanimous vote)

- I.** Advising that it has accepted the City's unaudited Monthly Financial Statements for the two months ended August 31, 2005 for FY2006 submitted by the Finance Department, and is forwarding same to the Board for informational purposes.
(Unanimous vote)
- J.** Advising that it has accepted the following Finance Department reports:
- a) department legend;
 - b) open invoice report over 90 days by fund;
 - c) open invoice report all invoices for interdepartmental billings only;
 - d) open invoice report all invoices due from the School Dept. only;
 - e) listing of invoices submitted to City Solicitor for legal determination; and
 - f) accounts receivable summary
- and is forwarding same to the Board for informational purposes.
(Unanimous vote)

COMMITTEE ON COMMUNITY IMPROVEMENT

- K.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$258,587 for 2004 CIP 210704 Public Health Preparedness Program, and for such purpose a resolution and budget authorization has been submitted.
(Unanimous vote)
- L.** Recommending that the Board authorize transfer and expenditure of funds in the amount of \$500,000 for FY2004 CIP 612504 Old Wellington Road Apartments Project, and for such purpose a resolution and budget authorization has been submitted.
(Unanimous vote)
- M.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$27,207.67 for FY2006 CIP 411606 2005 Homeland Security Grant Program, and for such purpose a resolution and budget authorization has been submitted.
(Unanimous vote)

- N.** Recommending that the Board authorize transfer and expenditure of funds in the amount of \$10,000 from FY2005 CIP 710205 Public Works Infrastructure to FY2005 CIP 510005 Park Facilities Improvement Program, and for such purpose resolutions and budget authorizations have been submitted.
(Unanimous vote)
- O.** Recommending that requests for sewer abatements as follows be granted and approved as recommended by the Environmental Protection Division:
- 836-840 Candia Road in the amount of \$1,393.96
 - 42 Stearns Street in the amount of \$497.55
 - 229-233 Wilson Street in the amount of \$370.45
- (Unanimous vote)
- P.** Advising that they have authorized the Police Department to submit a letter of intent for a \$137,378 grant to conduct a weapons of mass destruction exercise at the Manchester Airport during the spring of 2006.
(Unanimous vote)
- Q.** Advising that it has approved a request from Bruce Thomas of the Highway Department to complete work on two projects (Greek Church Driveway and President Road #185) as part of the City's Chronic Drain Program.
(Unanimous vote)
- R.** Advising that they have approved a request from the Highway Department to replace a 1990 X10 Blazer with a surplus U.S. government vehicle with FY06 MER funds.
(Unanimous vote)

COMMITTEE ON HUMAN RESOURCES/INSURANCE

- S.** Recommending that the Office of the City Clerk continue hiring temporary per diem individuals for elections and peak demand periods by charging related costs to temporary salaries rather than contract manpower to meet IRS regulations.
(Unanimous vote)

- T.** Advising that it has approved Ordinance:
“Amending Sections 33.024, 33.025 & 33.026 (Solid Waste Compliance Officer) of the Code of Ordinances of the City of Manchester.”
providing for the establishment of a new class specification, Solid Waste Compliance Officer, and is recommending same be referred to the Committee on Bills on Second Reading for technical review. The Committee further recommends that the issue of enforcement authority for this position be worked out with the Solicitor’s Office and City staff.
(Aldermen Shea, Sysyn, Garrity and Forest voted yea; Alderman DeVries voted nay.)

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- U.** Recommending that a request from Alderman Porter to install a raised island on Cohas Avenue at Island Pond Road be approved. The Committee advises that this item has been referred to the Committee on Community Improvement for funding (estimated at \$1,500).
(Unanimous vote)
- V.** Recommending that a flashing signal be installed at the intersection of South Beech and Gold Streets, and further advises that they have referred this item to the Committee on Community Improvement for funding.
(Unanimous vote)
- W.** Recommending that regulations governing standing, stopping, parking and operations of vehicles be adopted and put into effect when duly advertised and posted.
(Unanimous vote)
- X.** Advising that eight additional parking permits for the Middle Street parking lot have been approved and that no more permits will be issued for that parking lot pending receipt of the parking study.
(Unanimous vote)

**SPECIAL COMMITTEE ON RIVERFRONT ACTIVITIES
AND BASEBALL**

- Y.** Advising that in accordance with the City's obligation under Section 13.2 of the Amended and Restated Management and Operations Agreement between the City and 6 to 4 to 3, LLC, they have approved the transfer of the New Hampshire Fisher Cats to NH Triple Play, LLC understanding the exception of the obligations set forth in Section 8.1 and on the condition that the parties meet all of the obligations set forth by the Eastern League. (Unanimous vote)

SPECIAL COMMITTEE ON SOLID WASTE ACTIVITIES

- Z.** Advising that it has approved Ordinance:
 "Amending Sections 33.024, 33.025 & 33.026 (Solid Waste Compliance Officer) of the Code of Ordinances of the City of Manchester."
providing for the establishment of a new class specification, Solid Waste Compliance Officer, and is recommending same be referred to the Committee on Bills on Second Reading for technical review.
(Aldermen Roy, Thibault, Forest and O'Neil voted yea; Alderman Guinta voted nay.)

**LADIES AND GENTLEMEN, HAVING READ THE CONSENT AGENDA,
A MOTION WOULD BE IN ORDER THAT THE CONSENT AGENDA BE
APPROVED.**

- 5.** Communication from Mark Isenberg submitting his resignation as a member of the Manchester Planning Board.
Ladies and Gentlemen, what is your pleasure?
- 6.** Nominations to be presented by Mayor Baines, if available.

7. Confirmation of the nomination of Carol A. Bednarowski to succeed Robert Christy as a member of the Board of Health, term to expire July 1, 2008.
A motion is in order to confirm the nomination as presented.
8. A motion is in order to recess the regular meeting to allow the Committee on Finance to meet.
9. Mayor Baines calls the meeting back to order.

OTHER BUSINESS

10. Report(s) of the Committee on Finance, if available.
Ladies and Gentlemen, what is your pleasure?
11. Report of the Committee on Community Improvement recommending that a request for funding in the amount of \$3,000 for a flashing light at the intersection of South Beech and Gold Streets be approved. The Committee notes that they have instructed the Planning Director to find funds for this project.
(Unanimous vote)
(Note: Communication from the Director of Planning recommending \$3,000 be utilized from the South Willow Street Improvements Program CIP 7.10227 subject to confirmation from the Traffic Department that the intersection warrants these signals and concurrence from the Planning Board for the use of the funds for this project enclosed.)
Ladies and Gentlemen, what is your pleasure?
12. Report of the Committee on Traffic recommending that Ordinance:
“Amending Section 70.55 Residential Permit Parking, of the Code of Ordinances of the City of Manchester by adding a Residential Parking Permit Zone #6 and by adding a new Section (E) (2A) regarding Residential Permit Parking for Full Time Students.”
be approved. The Committee further recommends that the rules be suspended and that the Ordinance be adopted October 4, 2005.
(Unanimous vote)
A motion is in order that the report of the Committee on Traffic/Public Safety be accepted.

- 13.** If the report of the Committee on Traffic/Public Safety has been accepted, a motion is in order to suspend the rules and place the Ordinance on its final reading by title only at this time without referral to the Committees on Bills on Second Reading and Accounts, Enrollment and Revenue Administration.

Ordinance: (A motion is in order to read by title only.)

“Amending Section 70.55 Residential Permit Parking, of the Code of Ordinances of the City of Manchester by adding a Residential Parking Permit Zone #6 and by adding a new Section (E) (2A) regarding Residential Permit Parking for Full Time Students.”

This Ordinance having had its final presentation a motion is in order on passing same to be Ordained.

- 14.** Ordinances: **(A motion is in order to read by titles only.)**

“Amending Chapter 30: City Officials and Employees of the Code of Ordinances of the City of Manchester by adding §30.49 Office of Independent City Auditor and §30.50 Duties of Independent City Auditor.”

“Amending Sections 36.15 Issuance of Warrant for Collection; Notice to City Auditor and 36.17 Abatement Before Payment of the Code of Ordinances of the City of Manchester by replacing the term City Auditor with the term Independent City Auditor and Finance Officer.”

“Amending Sections 36.16 Records and Reports of Abatements, 36.18 Abatement After Payment, and 36.35 Special Account for Taxes and Assessments of the Code of Ordinances of the City of Manchester by replacing the term City Auditor with the term Finance Officer.”

“Repealing Sections 35.107 (Y, Z, AA, AB and AC) Duties of Finance Officer and 35.018 Audit of the Code of Ordinances of the City of Manchester.”

“Amending Chapter 32, Conservation Commission, Section 32.092 Composition; Terms, of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.025 (Community Health Nurse) of the Code of Ordinances of the City of Manchester.”

“Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by amending Section 70.40 Towing by increasing the towing fees.”

“Amending the Code of Ordinances of the City of Manchester by creating a new section within Chapter 111: Amusements establishing regulations for noise activities conducted in outdoor concert venues throughout the city and inserting new penalties in Section 111.99: Penalty to enforce these regulations.”

“Amending Chapter 115: Solicitations, Sales, Peddlers, and Fairs of the Code of Ordinances of the City of Manchester by inserting new definitions and application requirements.”

“Authorizing the Mayor to Dispose of Certain Tax Deeded Property Known as West Haven Road, Map 0922/Lot 0039-A.”

These Ordinances having had their second reading by titles only, the question is on passing same to be enrolled.

15. Mayor Baines advises that a motion is in order to recess the regular meeting to allow the Committee on Accounts, Enrollment and Revenue Administration to meet.
16. Mayor Baines calls the meeting back to order.
17. Report of the Committee on Accounts, Enrollment and Revenue Administration, if available.
Ladies and Gentlemen, what is your pleasure?
18. Communication from Leo R. Bernier, City Clerk, submitting official results of the City of Manchester Non-Partisan Municipal Primary Election held on September 20, 2005.
Ladies and Gentlemen, what is your pleasure?

19. Communication from Leo R. Bernier, City Clerk, requesting the Board set polling hours for the City of Manchester Non-Partisan Municipal General Election scheduled for November 8, 2005, from 6 AM until 7 PM.
Ladies and Gentlemen, what is your pleasure?
20. Communication from Deputy City Solicitor Arnold seeking authorization to enter into music license agreements with SESAC and the American Society of Composers, Authority & Publishers and expend funds from civic contributions totaling \$1,881.00 for such licenses, as outlined herein.
If the Board so desires, a motion is in order to authorize the Mayor to execute such music license agreements, subject to the review and approval of the City Solicitor and further that such licenses be paid for from civic contributions.
21. Communication from Paul Martineau, Welfare Commissioner, submitting amendments to the City of Manchester's Welfare Guidelines for adoption by the Board pursuant to RSA 165:1(II).
Ladies and Gentlemen, what is your pleasure?
22. Communication from Cathy Champagne, President of Jutras Signs, requesting that the proposed Manchester Gateway Arch project be given further consideration at each level of the process and that is not be denied before it has been given full and thoughtful consideration.
Ladies and Gentlemen, what is your pleasure?
23. Ordinances: **(A motion is in order to read by titles only.)**

"Amending Chapter 30: City Officials and Employees of the Code of Ordinances of the City of Manchester by adding §30.49 Office of Independent City Auditor and §30.50 Duties of Independent City Auditor."

"Amending Sections 36.15 Issuance of Warrant for Collection; Notice to City Auditor and 36.17 Abatement Before Payment of the Code of Ordinances of the City of Manchester by replacing the term City Auditor with the term Independent City Auditor and Finance Officer."

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“Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by amending Section 70.40 Towing by increasing the towing fees.”

“Amending the Code of Ordinances of the City of Manchester by creating a new section within Chapter 111: Amusements establishing regulations for noise activities conducted in outdoor concert venues throughout the city and inserting new penalties in Section 111.99: Penalty to enforce these regulations.”

“Amending Chapter 115: Solicitations, Sales, Peddlers, and Fairs of the Code of Ordinances of the City of Manchester by inserting new definitions and application requirements.”

“Authorizing the Mayor to Dispose of Certain Tax Deeded Property Known as West Haven Road, Map 0922/Lot 0039-A.”

These Ordinances having had their third and final reading by titles only, the question is on passing same to be ordained.

24. Resolutions: (A motion is in order to read by titles only.)

“Amending the FY2004 Community Improvement Program, authorizing and appropriating funds in the amount of Two Hundred Fifty Eight Thousand Five Hundred Eighty Seven Dollars (\$258,587) for the 2004 CIP 210704 Public Health Preparedness Program.”

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A motion is in order that the Resolutions pass and be enrolled.

25. NEW BUSINESS

- a) Communications
- b) Aldermen

26. If there is no further business, a motion is in order to adjourn.